

**SWAN CREEK CEMETERY CO. a/k/a POTTER CEMETERY TRUST &
FRIENDS of POTTER CEMETERY ASSOCIATION**

30066 Marr Street, Gibraltar, MI 48173

734-675-5162

E-mail: cemeterylady1@comcast.net

February 20, 2008

Good Morning Madam Chair and Committee Members:

My name is Sue Donovan. I am from Gibraltar in Wayne County and I am here today representing two groups: The Friends of Potter Cemetery Association and the Trustees of the Potter Cemetery Trust. I am the secretary of both groups. With me is Doris Blessing of Allen Park, a longtime member of the "Friends" group as well as a trustee. Doris is also the secretary of the Genealogical Society of Monroe County. Our fellow trustees, Mark Armbruster, Rochelle Hamilton, Kathy Funkey, Sue Biedlingmaier and Esther Perry regret they could not be here today as they have work or other commitments.

The Friends of Potter Cemetery Association was established in 1998 by five family members. The group became incorporated in the State of Michigan in November 1998 and is a 501(c)(3) group with the IRS. We have forty six (46) members around the State of Michigan and the country. In November of 2000 seven members of the "Friends" group petitioned the Monroe County Probate Court to be appointed as successor trustees to the original Trustees of Swan Creek Cemetery Company (we have never been able to establish who they were but we know they are long dead). Potter Cemetery used to be known as Swan Creek Cemetery as the creek runs nearby. We were granted trusteeship by Judge John A. Hohman on February 28, 2001. Ash Township was granted the right to appoint a township resident to our Board but since August 2006 they have chosen not to do so. As trustees, we own the cemetery and carry a \$1,000,000 liability insurance policy on it.

Both groups were established with one goal: to restore, maintain and preserve Potter Cemetery in Section 25, Ash Township, Monroe County, Michigan. This cemetery is a disgrace, having gone uncared for over sixty years. Potter Cemetery holds the remains of

possibly 200 people, our list contains about eighty three names, including six Civil War veterans and is considered a historical cemetery. Many of us involved have a personal interest- we have ancestors buried there. My husband, Dennis, for instance, has twenty ancestors in Potter Cemetery. Most members have ancestors interred in Potter; others do not but have joined our group in support of our efforts. The cemetery is 1.056 acres and is landlocked.

One reason it is landlocked is because in 1860 when Royal Potter and John Flint deeded the land for the cemetery they never recorded an ingress or egress. Access was through the Potter farmland west of the cemetery or over a farmer's lane (which had been Flint property) on the east side of the cemetery. Access from the west over the Potter property became more difficult after 1942 when the property was sold out of the Potter family and was being worked for crops. Additionally, that route meant crossing Swan Creek which often flooded, washing out the several bridges built over it. In 1995/96 the then property owner subdivided and sold the land on the east side to four homeowners, resulting in the farmer's lane becoming a private drive. This was done with the full knowledge of the Ash Township Board. They were advised by their attorney, William Godfroy, in writing, in June 1996 not to do this. I quote from the attorney's letter: "I would suggest that we negotiate with the developer a private drive easement instead of a private road. As part of the private drive, we could negotiate the authority to have access over the private easement to get to Potter Cemetery. Currently there is no access back there for family, friends or relatives of those buried there to visit gravesites. I am aware the Township has not taken over this cemetery but we now have an opportunity to get access to it". End quote. Unfortunately, the Ash Township Board did not heed their attorney's advice and the farmer's lane became a private drive, thus land-locking the cemetery.

After establishing the "Friends" group we worked with the four homeowners on the private drive and were allowed limited access thirteen times from May 1999-August 2000. Access was abruptly closed to us in September 2000 and since then we have not been able to work in or visit Potter Cemetery; nor have civic groups or veterans' groups. We believe this is very wrong and are continuing our struggle to gain access through legal channels. We also strongly believe this situation with Potter Cemetery should never have been allowed to happen in the first place. Unfortunately, however, there was no law, or at least at that time Ash Township seemingly was not aware of any, to prevent the land-locking of Potter Cemetery.

It is a very sad and frustrating thing when loved ones cannot pay their respects to their ancestors and veterans or clean up their gravesites. The people buried in Potter Cemetery were men, women and children who came to Ash Township from foreign lands and other parts of America to clear the land, some having gotten their patents from President Andrew Jackson in 1833/34, and thus raise their children. They were hardworking, honest, God fearing people, some having served their country. They were real and without them some of us would not be here today.

The Friends of Potter Cemetery Association and the Trustees of the Potter Cemetery

Trust, represented here today by Doris and myself, do not want any other group or individuals, to go through what we have over the last nine years. We believe all cemeteries, big or small, private or public, historic or not, deserve to have access for family, friends and alike. Therefore, we are here today in support of House Bill # 5589 to prevent any other cemetery from ever being landlocked in the State of Michigan.

Thank you Ladies and Gentlemen for your time and attention this morning.

Sincerely,

A handwritten signature in cursive script that reads "Sue A. Donovan".

Sue A. Donovan, Secretary

Friends of Potter Cemetery Association

Potter Cemetery Trust

Friends of Potter Cemetery Association
Est. 1998



Southworth Family Plot

Dear Ancestor

Your tombstone stands among the rest
Neglected and alone.

The name and date are chiseled out
On polished marble stone.
It reaches out to all who care,
It is too late to mourn.

You did not know that I exist,
You died and I was born.
Yet each of us are cells of you,
In flesh and blood and bone.

Our blood contracts and beats a pulse,
Entirely not our own.

Dear ancestor, the place you filled
So many years ago,

Spreads out among the ones you left
Who would have loved you so.

I wonder if you lived and loved,
I wonder if you knew,

That someday I would find this spot
And come to visit you.

Author unknown

History of Potter Cemetery ...



On June 16, 1860, Royal L. Potter and John D. Flint, both of Ash Township, Monroe County, Michigan, each deeded one half acre to the Trustees of Swan Creek Cemetery Company for the uses and purpose of a public burial ground. Prior to this, there had already been 11 burials. The deeds were recorded on February 29, 1864.

The cemetery contains the remains of six Civil War veterans and some of the area's earliest settlers, five of whom were Masons. Royal Potter died January 1863 as a POW in Libby Prison. His remains were never recovered. A headstone has been placed in remembrance of him. His two wives, four children, parents, and four of his siblings are buried there. The current list has 82 names on it but there could be as many as 200 burials. The last known burial was in 1930.

By the 1940's the cemetery was becoming neglected and was eventually abandoned. It became overgrown with vegetation, headstones were toppled by fallen trees, animals had made their homes there and vandals had trespassed. Potter Cemetery was in deplorable condition.

****Due to the unsafe condition of the cemetery and respect for the surrounding property owners, the Association requests you do not attempt to visit the cemetery.****

The following names are Potter Cemetery burials:

George L. Barns
Benjamin Bulger*
Jane Bulger
John F. Bulger**
Phebe Bulger
Mary A. Burnap
Joseph Cackett*
Luther Chapin
Mary B. Chapin
William W. Chapin
Juliette P. Chapin
Orvil Chapin
Viola Chapin
Martin L. Chapin*
Lura Chapman
Josiah Colburn**
Abigail Colburn
Ella G. Colburn
Cecil Connolly
Julia Flint
Roswell Flint
Ella Francisco
Henry Gretzler
Clarence A. Grigg
Daniel Griffy*
Sarah Griffy
Jesse Griffy
John F. Hawley**
Tirzah Hawley
Francella Hawley
Simon (Samuel) Hawley
Wilhelm F. Kennitz
Augusta Kennitz
Martha Kennitz
Julia Kennitz
Bertha Labeau
James Labeau**
David E. Labo
Addie Lacroix
Frederick Manor*
Hazel Manor

Elizabeth Mattison
John Mattison
Eliza McKenzie
Hugh McKenzie
Anna Neidermeier
Frederick W. Neidermeier
Mina Neidermeier
Evalina Neidermeier
John Neidermeier
Anna Tripp Post
Meroy Green Post
Anna J. Post
Arvin W. Potter
Polly Potter
Harlow Potter
Edwin Potter**
Royal L. Potter*
Rosella Potter
Elmer Potter
Charles Potter
Nile Potter
Amanda Potter
Alexander Rousson
Catherine Rousson
Kate Rousson
Erma Shippee
Christopher Shippee
D. Shippee
Lydia Shippee
Louisa Smith
Benjamin F. Southworth*
Ezra Southworth
Letitia Southworth
Emily Steinbrenner (Kennitz)
Thomas Tear
Harriett Tear
George A. Ward
Mary Ward
Almira Wheeler
Caroline Wilkinson
Herbert Wilkinson
Martha Williamson

* denotes Civil War Veteran
** denotes Mason



Fundraising...

In order to fulfill the goals of the association and trust, the following fundraisers have been held:

- Car Washes
- Spaghetti Dinners
- Garage Sales
- Little Caesar's Pizza Kits
- Pampered Chef cookbooks and kitchen tools
- Candy sales
- Collection canisters
- Shirt sales
- Dundee Old Mill Harvest Festival

Pages...

\$10.00 Annually

No membership application



Friends of Potter Cemetery Association

(734) 675-5162

cemeterylady1@comcast.net

http://monroe.lib.us/community_info_ash_township_potter_cemetery.htm

Statement of Purpose . . .

To restore, maintain and preserve Potter Cemetery.



Who we are . . .

In November 1998, "Friends" was founded by a handful of descendants of the Potter and Chapin families. The group is non-profit, incorporated in the State of Michigan and recognized by the Internal Revenue Service as a 501(c)(3) organization. Donations to the group are tax deductible. Since its inception the group has grown and now has forty-three paid members from eight states. Many have ancestors buried in Potter Cemetery, while others have no affiliation, but believe in the effort.

In May 1999, the restoration began. However, since the cemetery is landlocked, access was restricted, making the job of cleaning up 60 years of neglect difficult. Over the course of 13 workdays, progress was made as many weeds, trees and vines were removed. Nineteen headstones were found underground, markers were uprighted and cleaned, but many remain broken and in need of repair. In September 2000, due to concerns of the surrounding property owners, access was closed.

In February 2001, seven members of "Friends", along with an Ash Township resident chosen by the township board, were appointed by the Monroe County Probate Court as Trustees of the Potter Cemetery Trust. As trustees we are considered owners of the cemetery.

Friends of Potter Cemetery Association

Est. 1998



Southworth Family Plot

Poet Ancestor

Your tombstone stands among the rest
Neglected and alone.

The name and date are chiseled out
On polished marble stone.

It reaches out to all who care,
It is too late to mourn.

You did not know that I exist,
You died and I was born.

Yet each of us are cells of you,
In flesh and blood and bone.

Our blood contracts and beats a pulse,
Entirely not our own.

Poet ancestor, the place you filled
So many years ago.

Spreads out among the ones you left
Who would have loved you so.

I wonder if you lived and loved,
I wonder if you knew,

That someday I would find this spot
And come to visit you.

Author unknown

Friends of Potter Cemetery Association
30066 Marr St.
Gibraltar, MI 48173

1. Royal S. Potter & Mary

Trusty of Iron County, Conn.
Rec'd for Record February 29
A.D. 1864 at 3.00 cts. P. m.
Thomas Doyle Register.

This Indenture, made this sixteenth day of
June in the year of our Lord one thousand
Eight hundred and sixty between Royal
S. Potter and Mary Ann Potter his wife of Ash
in the County of Monroe and State of Michigan
of the first part and The Trustees of the Iron

County Company, of the other part, for the purpose of conveying
to the said party of the first part, the said party of the first part,
for and in consideration of the sum of Five Dollars to them in hand paid
by the said party of the second part, do hereby present grant, bargain, sell,
convey, release, remise and assign with the said party of the second
part, unto their successors in office from all their heirs and assigns of
the said party of the second part, unto the said party of the first part, of the
County of Monroe and State of Michigan, unto the said party of the first part,
the said party of the second part, which is described as follows, to wit: Beginning
at the South side of a Public Road running in the Town of Monroe
thence East bearing thence North Fifty five feet & 5 inches, thence
South Eighty Rods to a post, thence East Sixty Rods to the East line
of said West half of South East quarter of Sec. 28. thence South Thirteen
Rods on said line to a post, thence West Sixty Rods to a post, thence
South Five Rods to the termination of the first line West from the Point
Stone, containing Eighty four & 1/2 square Rods more or less. They do
not intend to convey as the hereinafter words and appurtenances thereto
belonging or in any wise appertaining; and the heirs and assigns of the said
party of the second part, do hereby release, remise and assign unto the said
party of the first part, either as Law or in equity, of its kind to the same bargained
premises with the said hereinafter words and appurtenances, to have and
to hold the said premises as above described, with the appurtenances unto
the said party of the first part, and to their successors forever. And the
said Royal S. Potter for himself, his heirs, assigns and administration
do covenant and agree, to hold with the said party of the first part
and their successors that at the time of the executing and delivery of these
present words he is well seized of the premises above conveyed, as of a good, law-
ful, absolute and indefeasible Estate of inheritance in the same in
for example: that the said lands and premises are free from all incum-
brances whosoever, and they will, and their heirs, executors, administrators
and assigns, shall warrant and defend the same against all lawful
claims whosoever. In Witness whereof the said party of the first part have
signed, sealed and delivered in presence of

How. Morris, N. W. Morris

Royal S. Potter.
Mary A. Potter.

State of Michigan, on this twenty second day of May in the year one
thousand Eight hundred and sixty before
me the undersigned a Notary Public for said County personally appeared
Royal S. Potter & Mary Ann Potter known to me known both the same person as
described in and who executed the within instrument who being
not married the same to their free use and deed. And the said Mary
Ann Potter wife of the said Royal S. on a private examination by me
separated and apart from her said husband acknowledged that she
executed the same freely and without any fear of or compulsion from
any one
How. Morris Notary Public.

John D. Plins + wife

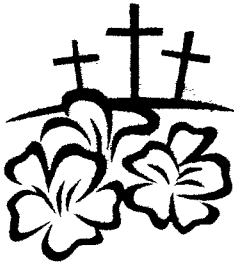
Trustees of Brown Creek Cemetery
Rec'd for Bond February 29th
A.D. 1864 at 3.00 cent. P.M.
Thomas Doyle Register.

This Indenture, made this eighteenth day of June in the year of our Lord one thousand eight hundred and sixty four, between John D. Plins and Margaret Plins of Ark in the County of Monroe and State of Michigan of the first part, and the Trustees of the Brown Creek Cemetery Company for the use and purposes of a Public Burying Ground of the second part, witnesses that the said party of the first part for and in consideration of their heirs to them in hand paid by the said party of the second part, do hereby presents of ours, bargain, sell, demise, release alien and confirm unto the said party of the second part, and to their Successors in office forever. All that certain piece of Land situate in said County of Ark and upon the East half of the South East quarter of Section Number Twenty five (25) in Town Five South of Range Nine East and bounded as follows, to wit: Beginning at the South East corner of a piece of Land this day deeded by Royal L. Potter and wife to the aforesaid Trustees and running thence East Six $\frac{1}{2}$ Rods to a post, thence North thence East to a post, thence West Six $\frac{1}{2}$ Rods to the West line of said East half of South East quarter of Section Twenty five thence South on said line to the place of beginning containing together four and one half square Rods of Land more or less. Together with all and singular the hereditaments and appurtenances thereto belonging or in any wise appertaining; and the demision and demise, remainder and remainders, rents, issues and profits thereof, and all the estates, rights, title, interest, claim or demand, whatsoever of the said party of the first part, either at Law or in equity, of, in and to the above bargained premises with the said hereditaments and appurtenances: To have and to hold, the said premises as above described, with the appurtenances, unto the said party of the second part, and to their Successors forever. And the said John D. Plins for himself his heirs, executors and administrators does covenant and agree to and with the said party of the second part and their Successors that at the time of the executing and delivery of these presents he is well seized of the premises above conveyed, as of a good, true, perfect absolute and in fee simple estate of inheritance in the land in fee simple: that the said lands and premises are free from all incumbrances whatsoever, and they, their heirs, executors, administrators and assigns, shall warrant and defend the same against all lawful claims whatsoever.

The Witnesses whereof the said party of the first part have hereunto set their hands and seals the day and year first above written signed, sealed and delivered in presence of J. S. John D. Plins, Margaret Plins, John D. Gregory Jr. Henry D. Stanley, State of Michigan, on this eighteenth day of June in the year of our Lord one thousand eight hundred and sixty four before and the presence of a Notary Public in and for said County, personally appeared John D. Plins, and Margaret Plins to me known to be the same persons described in, and who executed the within instrument who severally acknowledged the same to be their free act and deed: and the said Margaret Plins wife of the said John D. Plins

on a private examination by me, separate and apart from her said husband acknowledged that she executed the same freely and without any fear of or compulsion from any one.

John D. Gregory Jr. Notary Public in and for said County of Monroe.



JUST WHO IS BURIED in POTTER CEMETERY?

The people buried in Potter Cemetery, although several generations removed from us, were not that much different from folks today. They were hardworking people, born and raised in the 1800's, some in foreign lands, some in other parts of America and some in Monroe County, Michigan.

Many married, purchased land, a few from the federal government, built homes and raised their families. They often moved several times over uncharted lands in search of a better life for those families. Many lost children to diseases for which we now have medications or cures. Some men served their country in the Civil War while others were active in their community through local politics or the Masonic Lodge.

The women of the time had a strength many of us today probably could not match. They worked the farms, many while their husbands were away at war, raised the children, oftentimes ten or more, and maintained a home, all without the conveniences we take for granted today. Our foremothers held the family together, then as now, through disease, war, death and whatever else life brought their way. They, along with their fathers, husbands and brothers had a strong sense of values, both moral and spiritual.

The people and their families pictured on the following pages were real! They lived their lives as the majority of us do today, putting in an honest day's work, raising a family, being involved in community and church and struggling to be courageous, honest, upstanding Americans.

Without all of them we would not be here or be who we are today. They deserve a decent and dignified final resting place. That is the goal of Friends of Potter Cemetery Association.

**MICHIGAN DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES
CORPORATION, SECURITIES AND LAND DEVELOPMENT BUREAU**

Date Received

OGT 30 1998

Verified purpose - (FOR BUREAU USE ONLY)
This document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.

FILED

NOV 12 1998

CS/KELD
11/30/1998
Trans 00982228

ESTGER N ARMBRUSTER

5645
Total \$20.00

Corps Org & Filing & LLC

Name

Mark J. Armbruster

Address

MI DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
CORPORATION, SECURITIES & LAND DEVELOPMENT BUREAU

757 Burroughs

City

State

Zip Code

Plymouth**MI****48170**

EFFECTIVE DATE:

Document will be returned to the name and address you enter above.
If left blank document will be mailed to the registered office.

759-694**ARTICLES OF INCORPORATION****For use by Domestic Nonprofit Corporations**

(Please read information and instructions on the last page)

Pursuant to the provisions of Act 162, Public Acts of 1982, the undersigned corporation executes the following Articles:

ARTICLE I

The name of the corporation is:

Friends of Potter Cemetery**ARTICLE II**

The purpose or purposes for which the corporation is organized are:

Restoration and maintenance of Potter Cemetery in Ash Township, Monroe County, MI**ARTICLE III**

1. The corporation is organized upon a non stock basis.
(Stock or Nonstock)

2. If organized on a stock basis, the total number of shares which the corporation has authority to issue is

_____. If the shares are, or are to be, divided into classes, the designation of each class, the number of shares in each class, and the relative rights, preferences and limitations of the shares of each class are as follows:

• ARTICLE III (cont.)

3. a. If organized on a nonstock basis, the description and value of its real property assets are: (if none, insert "none")

none

b. The description and value of its personal property assets are: (if none, insert "none")

none

c. The corporation is to be financed under the following general plan:

Donations

d. The corporation is organized on a membership basis.
(Membership or Directorship)

ARTICLE IV

1. The address of the registered office is:

757 Burroughs Plymouth, Michigan 48170
(Street Address) (City) (ZIP Code)

2. The mailing address of the registered office, if different than above:

_____, Michigan _____
(Street Address or P.O. Box) (City) (ZIP Code)

3. The name of the resident agent at the registered office is:

Mark J. Armbruster

ARTICLE V

The name(s) and address(es) of the incorporator(s) is (are) as follows:

Name

Residence or Business Address

Esther M. Armbruster 757 Burroughs Plymouth MI 48170

Mark J. Armbruster 757 Burroughs Plymouth MI 48170

Rockelle L. Hamilton 5732 Temple Crossing W. Bloomfield MI 48302

Use space below for additional Articles or for continuation of previous Articles. Please identify any Article being continued or added. Attach additional pages if needed.

I, (We), the incorporator(s) sign my (our) name(s) this 28th day of October, 1998.

Esther M. Armbruster

Mark Armbruster

Donna Hamilton

MICHIGAN DEPARTMENT OF CONSUMER & INDUSTRY SERVICES CORPORATION AND LAND DEVELOPMENT BUREAU

Date Received

(FOR BUREAU USE ONLY)

ADJUSTED PURSUANT TO
TELEPHONE AUTHORIZATION

Pen Sale
This document is effective on the date filed, unless
a subsequent effective date within 90 days after
received date is stated in the document.

APR 20 2007

Name

Friends of Potter Cemetery

Address

757 Burroughs

City

Plymouth

State

Michigan

Zip Code

48170

EFFECTIVE DATE:

Document will be returned to the name and address you enter above.
If left blank document will be mailed to the registered office.

CERTIFICATE OF AMENDMENT TO THE ARTICLES OF INCORPORATION

For use by Domestic Profit and Nonprofit Corporations

(Please read information and instructions on the last page)

Pursuant to the provisions of Act 284, Public Acts of 1972 (profit corporations), or Act 162, Public Acts of 1982 (nonprofit corporations), the undersigned corporation executes the following Certificate:

1. The present name of the corporation is: Friends of Potter Cemetery

2. The identification number assigned by the Bureau is:

759 694

3. Article 11, Purpose of the Articles of Incorporation is hereby amended to read as follows: The organization is organized exclusively for charitable, religious, educational, and/or scientific purposes under section 501(c)(3) of the Internal Revenue Code. No substantial part of the activities of the organization shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the organization shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of this document, the organization shall not carry on any other activities not permitted to be carried on (a) by an organization exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or (b) by an organization, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or corresponding section of any future federal tax code. In addition, for the restoration and maintenance for Potter Cemetery in Ash Township, Monroe County, MI.

Continued, see attachment

FRIENDS of POTTER CEMETERY
757 BURROUGHS
PLYMOUTH, MICHIGAN 48170

IDENTIFICATION NUMBER 759 694

AMENDMENT to ARTICLES of INCORPORATION, CONTINUED

Article III, Section 3c, is hereby amended to read as follows:

The corporation is to be financed under the following general plan: Donations. No part of the net earnings of the organization shall inure to the benefit of, or be distributable to, its members, trustees, officers, or other private persons, except that the organization shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in the purpose clause hereof.

Upon dissolution of the organization, assets shall be distributed for one or more exempt purposes within the meaning of section 501 (c) (3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government for a public purpose.

STATE OF MICHIGAN PROBATE COURT MONROE COUNTY CIRCUIT COURT - FAMILY DIVISION	ORDER	FILE NO. 2000-0553 TT
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In the matter of **Swan Creek Cemetery Co. Trust a/k/a Potter Cemetery Trust**

1. Date of hearing: _____ Judge: John A. Hohman Jr. P 33143

On petition filed, **THE COURT FINDS** that: this matter came before the Court on a Petition seeking the appointment of trustees of the Potter Cemetery Trust. Ash Township in Monroe County filed a response seeking a modification of the relief requested. The parties reached the agreement incorporated in this Order and placed on the record and which the Court approved.

IT IS NOW, THEREFORE ORDERED AS FOLLOWS:

PURPOSE OF THE TRUST

The purpose of the Trust is to restore, maintain and preserve Potter Cemetery.

APPOINTMENT OF TRUSTEES

The following individuals are appointed as trustees of the Potter Cemetery Trust: Mark J. Armbruster, Esther M. Armbruster, Sue A. Donovan, Rochelle Hamilton, Dolores Burnett Benson, Robert H. Boudrie and Kathy Funkey. In addition, the Ash Township Board shall have the right to appoint a township resident of their choosing to serve as Trustee. The trustees may qualify by filing an Acceptance of Trust.

LIMITATIONS ON TRUSTEES POWERS

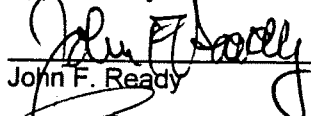
Trustees are prohibited from doing any of the following:

1. Authorizing any new burial at the Pottery Cemetery.
 2. Taking any action that would have a financial impact on Ash Township without approval of the court.
- The trustees must also notify Ash Township of any meeting of the trustees, maintaining the township as an "interested party". They are required also to give notice to the Cemetery Regulations Bureau of the State of Michigan.

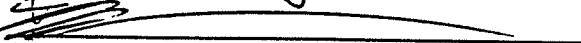
ATTORNEY FEE

The attorney fee payable to John F. Ready pursuant to the January 24, 2001 order has been waived.

Approved by:



 John F. Ready



 William P. Godfroy

February 8, 2001

Date

P 33143

Judge John A. Hohman Jr.

John F. Ready

P 27159

Attorney name

Bar no.

204 S. Macomb St.

Address

Monroe, MI 48161

734/242-7600

City, state, zip

Telephone no.

STATE OF MICHIGAN PROBATE COURT COUNTY OF MONROE	LETTERS OF AUTHORITY FOR FOR TRUSTEES	FILE NO. 2000-0553
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In the Matter of SWAN CREEK CEMETERY CO. TRUST a/k/a POTTER CEMETERY TRUST

TO THE FOLLOWING:

- | | | | |
|---|--|--|--|
| 1. Mark J. Armbruster
301 Blanche, Apt. 13
Plymouth, MI 48170
734/414-9980 | 2. Esther M. Armbruster
757 Burroughs
Plymouth, MI 48170
734/416-9084 | 3. Sue A. Donovan
30066 Marr
Gibraltar, MI 48173
734/675-5162 | 4. Rochelle Hamilton
301 Blanche, Apt. 13
Plymouth, MI 48170
734/414-9980 |
| 5. Dolores Burnett Benson
8103 E. Southern, #114
Mesa, AZ 85208
480/986-8708 | 6. Robert H. Boudrie
1962 Jackson Blvd.
Highland, MI 48356
248/887-2093 | 7. Kathy Funkey
3021 Henhawk
Troy, MI 48084
248/642-4612 | 8. James Duffy
10995 Grafton Rd.
Carleton, MI 48177
734/654-6567 |

You have been appointed and qualified as trustees of the Potter Cemetery Trust on December 27, 2000. You are authorized to do and perform all acts authorized by law except as to the following:

- ☐ Real estate or ownership interests in a business entity excluded from your responsibilities in your acceptance of appointment.
- ☒ Restrictions: Trustees are prohibited from doing any of the following:

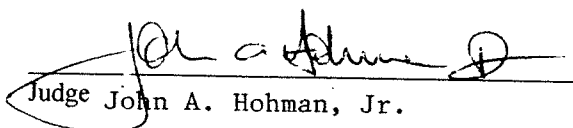
1. Authorizing any new burial at the Potter Cemetery.
2. Taking any action that would have a financial impact on Ash Township without approval of the court.

The Trustees must also notify Ash Township of any meeting of the trustees, maintaining the township as an "interested party". They are required also to give notice to the Cemetery Regulations Bureau of the State of Michigan.

☐ These letters expire: _____
Date

February 28, 2001
Date

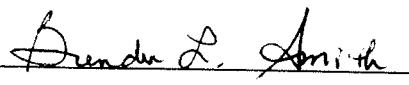
John F. Ready (P 27159)
Attorney name (type or print)
204 S. Macomb St.
Address
Monroe, MI 48161 734/242-7600
City, state, zip Telephone No.

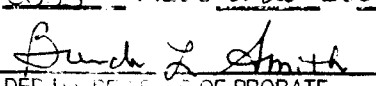

Judge John A. Hohman, Jr.

P33143

I certify that I have compared this copy with the original on file and that it is a correct copy of the original and that these letters are in full force and effect as of the date on the letters.

3-6-01
Date


Deputy register

NO. 2000-0553 FILED 2-28-2001

DEPUTY REGISTER OF PROBATE

MCL 700.3103; MSA 27.13103, MCL 700.3307; MSA 27.13307,
MCL 700.3414; MSA 27.13414, MCL 700.3504; MSA 27.13504,
MCL 700.3601; MSA 27.13601, MCR 5.202(A)

PC 572 (3/00) LETTERS OF AUTHORITY FOR PERSONAL REPRESENTATIVE

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **MAR 07 2002**

FRIENDS OF POTTER CEMETERY
30066 MARR
GIBRALTAR, MI 48173

Employer Identification Number:
36-4279563
DLN:
302058003
Contact Person:
TRISHONE M SKINNER ID# 75079
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
February 28
Form 990 Required:
Yes
Addendum Applies:
No

Dear Applicant:

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3).

We have further determined that you are not a private foundation within the meaning of section 509(a) of the Code, because you are an organization described in sections 509(a)(1) and 170(b)(1)(A)(vi).

If your sources of support, or your purposes, character, or method of operation change, please let us know so we can consider the effect of the change on your exempt status and foundation status. In the case of an amendment to your organizational document or bylaws, please send us a copy of the amended document or bylaws. Also, you should inform us of all changes in your name or address.

As of January 1, 1984, you are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of \$100 or more you pay to each of your employees during a calendar year. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Since you are not a private foundation, you are not subject to the excise taxes under Chapter 42 of the Code. However, if you are involved in an excess benefit transaction, that transaction might be subject to the excise taxes of section 4958. Additionally, you are not automatically exempt from other federal excise taxes. If you have any questions about excise, employment, or other federal taxes, please contact your key district office.

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the

Letter 947 (DO/CG)

FRIENDS OF POTTER CEMETERY

part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(1) organization.

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for federal estate and gift tax purposes if they meet the applicable provisions of Code sections 2055, 2106, and 2522.

Contribution deductions are allowable to donors only to the extent that their contributions are gifts, with no consideration received. Ticket purchases and similar payments in conjunction with fundraising events may not necessarily qualify as deductible contributions, depending on the circumstances. See Revenue Ruling 67-246, published in Cumulative Bulletin 1967-2, on page 104, which sets forth guidelines regarding the deductibility, as charitable contributions, of payments made by taxpayers for admission to or other participation in fundraising activities for charity.

In the heading of this letter we have indicated whether you must file Form 990, Return of Organization Exempt From Income Tax. If Yes is indicated, you are required to file Form 990 only if your gross receipts each year are normally more than \$25,000. However, if you receive a Form 990 package in the mail, please file the return even if you do not exceed the gross receipts test. If you are not required to file, simply attach the label provided, check the box in the heading to indicate that your annual gross receipts are normally \$25,000 or less, and sign the return.

If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. A penalty of \$20 a day is charged when a return is filed late, unless there is reasonable cause for the delay. However, the maximum penalty charged cannot exceed \$10,000 or 5 percent of your gross receipts for the year, whichever is less. For organizations with gross receipts exceeding \$1,000,000 in any year, the penalty is \$100 per day per return, unless there is reasonable cause for the delay. The maximum penalty for an organization with gross receipts exceeding \$1,000,000 shall not exceed \$50,000. This penalty may also be charged if a return is not complete, so be sure your return is complete before you file it.

You are required to make your annual information return, Form 990 or Form 990-EZ, available for public inspection for three years after the later of the due date of the return or the date the return is filed. You are also required to make available for public inspection your exemption application, any supporting documents, and your exemption letter. Copies of these documents are also required to be provided to any individual upon written or in person request without charge other than reasonable fees for copying and postage. You may fulfill this requirement by placing these documents on the Internet. Penalties may be imposed for failure to comply with these requirements. Additional information is available in Publication 557, Tax-Exempt Status for Your Organization, or you may call our toll free number shown above.

FRIENDS OF POTTER CEMETERY

You are not required to file federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T, Exempt Organization Business Income Tax Return. In this letter we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

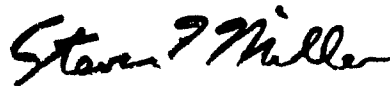
You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, a number will be assigned to you and you will be advised of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

If we have indicated in the heading of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

Because this letter could help resolve any questions about your exempt status and foundation status, you should keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours,

A handwritten signature in black ink that reads "Steven T. Miller". The signature is written in a cursive style with a large, stylized "S" and "M".

Steven T. Miller
Director, Exempt Organizations

MONROE COUNTY HISTORICAL COMMISSION

126 South Monroe Street • Monroe, Michigan 48161-2275
Telephone (734) 240-7780 • FAX (734) 240-7788 • Toll Free (888) 354-5500 ext. 7780

RALPH J. NAVEAUX
Museum Director

Resolution

Whereas, the Monroe County Historical Commission was established and empowered, among other duties, to advance the knowledge and understanding of Monroe County residents in matters relating to the history of the county, and

Whereas, the Monroe County Historical Commission perceives that preservation and proper care of private historical sites, while outside the domain of the Commission, is a significant factor in maintaining the historical ambiance of the county, and

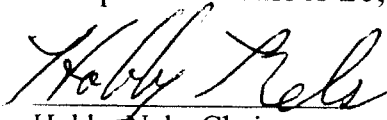
Whereas, historic cemeteries, more than most properties, invoke this positive ambiance and respect for the past, and

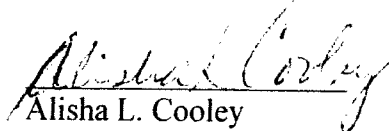
Whereas, the Potter Cemetery in Ash Township, Monroe County, is considered by the Historical Commission to be a significant historical location, and

Whereas, the Commission supports the Friends of the Potter Cemetery efforts to repair, preserve, protect, and obtain physical access to the Potter Cemetery,

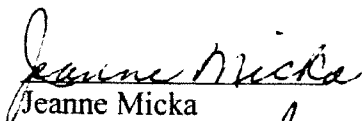
Therefore Be It Resolved, that the Monroe County Historical Commission supports the efforts of the Friends of the abandoned Potter/Swan Creek Cemetery by forwarding this resolution to the Monroe County Planning Commission for their investigation and to Ash Township for further consideration."

Adopted December 20, 2006

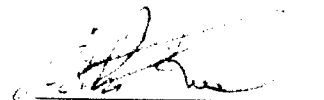

Hobby Nels, Chairman

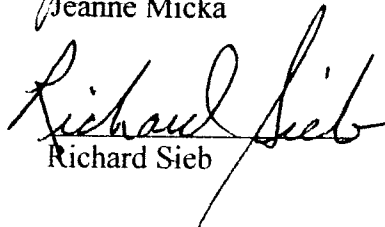

Alisha L. Cooley


Dorothy Heinen



Jeanne Micka


Richard Micka


Lehr Roe


Richard Sieb


Yvonne Schlagheck


Robert F. Wittersheim

**Resolution on Potter Cemetery
Monroe County Planning Commission
May 11, 2007**

Whereas, the Potter Cemetery, a privately owned parcel located near Labo and Swan Creek Roads in Ash Township, Monroe County, Michigan, has become landlocked, limiting or preventing public access; and

Whereas, this approximately one-acre parcel contains the remains of at least 79 persons including six Civil War veterans, and therefore carries a respectable degree of historical significance; and

Whereas, some of those buried in Potter Cemetery have living relatives who have a desire to visit the graves of their ancestors and to improve the condition of the grounds; and

Whereas, for nearly a decade, interested persons have worked tirelessly to increase access to the cemetery; and

Whereas, several property owners surrounding the cemetery have offered resistance to providing unrestricted public access to the cemetery; and

Whereas, conflicts have resulted; and

Whereas, the Friends of Potter Cemetery has enjoyed only limited success in seeking access to the grounds; and

Whereas, disinterment of the remains and reinterment of them at another location would not only require a lengthy legal process but would be prohibitively expensive for the Township, and furthermore highly disruptive to the surrounding residents and to the perceived sanctity of the graves; and


Whereas, improved access to the cemetery would be a more reasonable and acceptable solution; and

Whereas, interested persons have approached the Monroe County Planning Commission to seek its support in their quest for improved access to the Potter Cemetery; and

Whereas, the Monroe County Planning Commission is an advisory body only, and carries no legal authority to order any changes in land use for any public or private properties in Monroe County; and

Whereas, in the State of Michigan, local municipalities have jurisdiction and authority over the dispensation of land, and the Township of Ash has jurisdiction over the specific parcel of land in question.

Now, therefore be it resolved, that the Monroe County Planning Commission urges the Supervisor of Ash Township and the Ash Township Board to pro-actively investigate any and all avenues to creating a permanent public access to Potter Cemetery, including informal negotiation, utilization of private funds, working with other applicable units of government and public agencies that may have authority or resources in this matter, and seeking legal recourse if necessary, in solving this dilemma.



Mary K. Webb, Chairperson
Monroe County Planning Commission